

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

HB 1762 – SB 2089

May 20, 2009

SUMMARY OF AMENDMENT (008549): Deletes all language after the enacting clause and requires all health care providers and hospitals to furnish medical record copies to the parents or legal guardians of a patient who is an unemancipated minor within 10 working days of a written request. The health care provider or hospital may refuse to release an unemancipated minor's medical records if the provider believes that the release of the records will violate federal HIPAA regulations, 45 C.F.R. § 164.502(g)(5).

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – The Department of Health could be in jeopardy of losing \$6,500,000 in federal grant funds for non-compliance with Title X family planning regulations.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Not Significant

Other Fiscal Impact – The Department of Health could be in jeopardy of losing \$6,500,000 in federal grant funds for non-compliance with Title X family planning regulations.

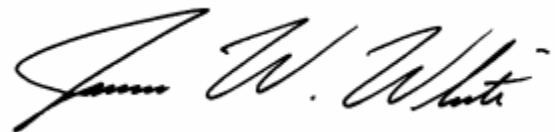
Assumptions applied to amendment:

- The Department of Health receives approximately \$6,500,000 in federal Title X funding to provide family planning services. Federal regulations specifically mandate that services be offered to minors without parental notification or consent.
- Section 8.7 of the Federal Program Guidelines for Project Grants for Family Planning Services states that Title X projects may not require written consent of parents or guardians for the provision of services to minors, nor can the project notify parents or guardians before or after a minor has requested and received Title X family planning services.

- Federal guidelines also require that all services are confidential and that information may be released only with the individual's written consent. According to the Department of Health, the provisions of the bill as amended could result in the Department be in noncompliance with federal regulations.
- Neither the Division of Health Related Boards nor the Board for Licensing Health Care Facilities will incur a significant increase in expenditures to regulate the provisions of the bill or investigate any complaints that may arise. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2008, the Division had a positive balance of \$1,000,000.
- Pursuant to Tenn. Code Ann. § 68-11-216, the Board for Licensing Health Care Facilities is required to be self-supporting over a two-year period. The Board had a negative closing balance of \$440,300 in FY06-07 and a negative closing balance of \$217,700 in FY07-08.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/kml